

JUL 16 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
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UNITED STATES OF AMERICA

Case No. 4:04-cr-00016-1

v.

§ 2255 ORDER

LARRY DARNELL WARNER,
Petitioner.

By: Hon. Jackson L. Kiser
Senior United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED

that petitioner's motion to appoint counsel (docket #75) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the Clerk shall **OPEN** a new action for this § 2255 motion; this new action is **DISMISSED without prejudice** as a successive § 2255 motion; a certificate of appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for the United States.

ENTER: This 16th day of July, 2012.

Jackson L. Kiser
Senior United States District Judge